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DOE & STATE REVIEWS
COMPLETED

MEMORANDUM FOR THE RECORD

SUBJECT: Interdepartmental Meeting Re Senator Symington's Request
for Information on Agreements and Arrangements for
the Exchange of Classified Information and Intelligence

1. On 16 July 1971, I attended a meeting on the above subject in the office of Mr. Joseph Wolf, PM/JW in State Department. Also present were: Harry Symmes, Deputy Assistant Secretary of State for Congressional Relations; Dick Stewart, INR; Russell Ashe, NSC Staff; Pete Knaur, ISA/DOD; and General Counsel of NSA.

2. Mr. Wolf opened the meeting by saying that the Symington request concerned four major categories of classified information: intelligence; atomic information covered by section 144 of the Atomic Energy Act; Defense information (which is the subject of a vast number of detailed individual agreements and arrangements generally governed by the NDPC); and nonmilitary information of which there are innumerable examples, mostly unclassified but many classified, and the procedures governing which are quite loose and irregular.

3. It was agreed that, regardless of formal classification, most exchanges between governments unless otherwise specified have traditionally been considered and respected as confidential communications, and that many governments with whom we do business would be deeply disturbed to feel that all of our arrangements with them might be known to and publicized by our legislative bodies. Where truly sensitive arrangements are concerned, such as those covering delicate matters of intelligence exchange and paramilitary collaboration, it was agreed that the results of disclosures could be disastrous, perhaps jeopardizing our diplomatic relations or causing the fall of friendly governments.

4. Mr. Wolf said that State Department examination of the problem revealed the existence of no formal government-to-government agreements calling for the specific exchange of classified information with foreign

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countries except those contemplated by the Atomic Energy Act. He noted that the Symington letter did not request copies of the documents themselves and it was suggested that a generalized response might be tried to see if it would work, in which we could:

a. Cover various agreements within the NATO community (including intelligence and paramilitary agreements of special sensitivity) by stating simply that there was a vast variety of specialized agreements implementing the NATO treaty.

b. That on the question (No. 2 in Symington's letter) as to the kind of information received in return, we could speak generally of military, technical and political information of various kinds.

c. We should reply to question No. 3 by stating that the information was received on exchange sometimes in foreign capitols and sometimes in Washington.

d. That on question No. 4 we should say the security classifications involve "confidential," "secret," and "top secret" material.

e. That State would provide generalized language for questions No. 5 and No. 6.

5. I quoted Section 5 of the Central Intelligence Agency Act of 1949 regarding the Director's responsibility for protecting intelligence sources and methods, remarking that I thought this should be an adequate explanation of why we could not provide details regarding intelligence exchange arrangements. I argued that the intelligence we obtained from friendly liaison services came from a "sensitive source" just as much as if it had come from a highly placed agent, and involved the same fiduciary relationship and responsibility for protection. This was understood, and Pete Knauer said he thought this umbrella should be large enough to cover Defense intelligence exchange agreements as well as ours. I said I thought we could support this position.

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6. There was discussion of whether we could keep Symington's letter classified, since some present felt even the publication of the letter, regardless of how we responded to it, would cause uneasiness in certain allied capitols. However, it was concluded that, unless the Secretary of State or the Director of Central Intelligence approached Symington personally on this, there was little chance he and his staff could be dissuaded from leaking it. Mr. Symmes said he would take up the matter with Mr. Abshire to see if he thought it useful to approach Symington on this point.

7. Mr. Knaur undertook to survey the various DOD agreements for intelligence and information exchange of classified material to get a better picture of the problem from that standpoint.

8. Mr. Symmes brought up the question of whether we could answer this Symington letter without bringing up a letter which the Secretary had received six months ago from Senator Case, also inquiring about Executive agreements. When asked why the letter had not been answered, Mr. Symmes explained State had been awaiting guidance from the White House. Mr. Ashe said he was not familiar with this particular problem, and the fact it was six months overdue didn't help to identify it because there were any number of inquiries at least this delinquent.

9. Mr. Wolf concluded the meeting by saying we should each draft language for a possible response applicable to our respective responsibilities-- in our case, we should prepare an answer drawing on the "intelligence sources and methods" argument. He feels that the intelligence and atomic aspects of the problem are the easiest to deal with, since they are covered by specific legislation. Mr. Wolf will contact the participants in about a week to see if their contributions or further recommendations are available.

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